

CLOSED, ECF, RELATED

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:05-cv-05468-JSR**

Associated Press v. United States Department of Defense  
Assigned to: Judge Jed S. Rakoff  
Related Case: 1:05-cv-03941-JSR  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/09/2005  
Date Terminated: 04/02/2009  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Associated Press**

represented by **Ashley I Kissinger**  
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V.

**Defendant****United States Department of Defense**

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Date Filed	#	Docket Text
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06/09/2005	<u>1</u>	COMPLAINT against United States Department of Defense. (Filing Fee \$ 250.00, Receipt Number 546168) Document filed by Associated Press.(jmi, ) Additional attachment(s) added on 6/13/2005 (jmi, ). (Entered: 06/13/2005)
06/09/2005	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Associated Press.(jmi, ) Additional attachment(s) added on 6/13/2005 (jmi, ). (Entered: 06/13/2005)
06/09/2005		CASE REFERRED TO Judge Jed S. Rakoff as possibly Similar to 05-cv-3941. (jmi, ) (Entered: 06/13/2005)
06/09/2005		Case Designated ECF. (jmi, ) (Entered: 06/13/2005)
06/09/2005		SUMMONS ISSUED as to United States Department of Defense, U.S. Attorney and U.S. Attorney General. (jmi, ) (Entered: 06/13/2005)
06/14/2005	<u>3</u>	SUMMONS RETURNED EXECUTED. Document filed by Associated Press. United States Department of Defense served on 6/9/2005, answer due 8/8/2005. Service was accepted by intake clerk, USAO/SDNY. (Schulz, David) (Entered: 06/14/2005)
06/17/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 6/17/2005. (kw, ) (Entered: 06/22/2005)
06/21/2005	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (laq, ) (Entered: 06/21/2005)
06/21/2005		Magistrate Judge Gabriel W. Gorenstein is so designated. (laq, ) (Entered: 06/21/2005)
06/21/2005		Mailed notice to the attorney(s) of record. (laq, ) (Entered: 06/21/2005)
06/21/2005		CASE ACCEPTED AS RELATED TO 1:05-cv-3941. (laq, ) (Entered: 06/21/2005)
07/06/2005	<u>5</u>	STIPULATION AND ORDER: regarding the discovery issues between the parties. Defendant's time to respond to the complaint is extended to 8/31/05. (Signed by Judge Jed S. Rakoff on 7/1/05) (kw, ) (Entered: 07/07/2005)
07/06/2005		Set Answer Due Date purs. to <u>5</u> Stipulation and Order as to United States Department of Defense answer due on 8/31/2005. (kw, ) (Entered: 07/07/2005)
08/02/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 8/2/2005. (jco, ) (Entered: 08/10/2005)
08/30/2005	<u>6</u>	ANSWER to Complaint. Document filed by United States Department of Defense.(Wolstein, Elizabeth) (Entered: 08/30/2005)
08/30/2005	<u>7</u>	CERTIFICATE OF SERVICE of Answer served on David A. Schulz, Esq. on 8/30/05. Service was made by Mail. Document filed by United States Department of Defense. (Wolstein, Elizabeth) (Entered: 08/30/2005)
01/26/2006	<u>8</u>	ORDER that the portion of the Court's Opinion of 1/23/06 in 05-3941 that requires the deft to furnish plntf with unredacted transcripts and related documents is hereby stayed until 2/23/06, as further set forth in this document. (Signed by Judge Jed S. Rakoff on 1/25/06) (cd, ) (Entered: 01/26/2006)
02/13/2006	<u>9</u>	NOTICE OF APPEARANCE by Sarah Sheive Normand on behalf of United States Department of Defense (Normand, Sarah) (Entered: 02/13/2006)
02/22/2006	<u>10</u>	FIRST MEMORANDUM OF LAW in Support <i>Motion for Summary Judgement</i> . Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 02/23/2006)
02/22/2006	<u>11</u>	FILING ERROR – WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY – DECLARATION of Sarah S. Normand in Support (MOTION FOR SUMMARY JUDGMENT). Document filed by United States Department of Defense. (Normand, Sarah) Modified on 2/23/2006 (kg, ) (Entered: 02/23/2006)

02/23/2006	<u>12</u>	FIRST MOTION for Summary Judgment. Document filed by United States Department of Defense. Responses due by 3/3/2006 Return Date set for 3/9/2006 05:00 PM. (Normand, Sarah) (Entered: 02/23/2006)
02/23/2006	<u>13</u>	DECLARATION of Karen L. Hecker in Support re: <u>10</u> Memorandum of Law in Support. Document filed by United States Department of Defense. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> )(Normand, Sarah) (Entered: 02/23/2006)
02/23/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – PDF ERROR. Note to Attorney Sarah Normand to RE-FILE Document <u>11</u> Declaration in Support. (kg) (Entered: 02/23/2006)
02/24/2006	<u>14</u>	DECLARATION of Sarah S. Normand in Support re: <u>12</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B)(Normand, Sarah) (Entered: 02/24/2006)
03/01/2006	<u>15</u>	FIRST MEMORANDUM OF LAW in Support re: <u>12</u> FIRST MOTION for Summary Judgment. ( <i>Corrected</i> ). Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 03/01/2006)
03/03/2006	<u>16</u>	CROSS MOTION for Summary Judgment. Document filed by Associated Press. Responses due by 3/9/2006 (Schulz, David) (Entered: 03/03/2006)
03/03/2006	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>16</u> CROSS MOTION for Summary Judgment. <i>and in Opposition to Defendant's Motion for Summary Judgment</i> . Document filed by Associated Press. (Schulz, David) (Entered: 03/03/2006)
03/03/2006	<u>18</u>	DECLARATION of Adam J. Rappaport in Support re: <u>16</u> CROSS MOTION for Summary Judgment.. Document filed by Associated Press. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G# <u>8</u> Exhibit H# <u>9</u> Exhibit I# <u>10</u> Exhibit J# <u>11</u> Exhibit K)(Schulz, David) (Entered: 03/03/2006)
03/03/2006	<u>19</u>	RULE 56.1 STATEMENT. Document filed by Associated Press. (Schulz, David) (Entered: 03/03/2006)
03/13/2006	<u>20</u>	FIRST REPLY MEMORANDUM OF LAW in Support re: <u>12</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 03/13/2006)
03/13/2006	<u>21</u>	RESPONSE in Opposition re: <u>16</u> CROSS MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 03/13/2006)
03/13/2006	<u>22</u>	REPLY AFFIDAVIT of Karen L Hecker in Support re: <u>12</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit exhibit b# <u>3</u> Exhibit exhibit C# <u>4</u> Exhibit exhibit d# <u>5</u> Exhibit exhibit e# <u>6</u> Exhibit exhibit f# <u>7</u> Exhibit exhibit g# <u>8</u> Exhibit exhibit h# <u>9</u> Exhibit exhibit i)(Normand, Sarah) (Entered: 03/13/2006)
03/13/2006	<u>23</u>	REPLY AFFIDAVIT of Sarah Normand in Support re: <u>12</u> FIRST MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> Exhibit exhibit a# <u>2</u> Exhibit exhibit b# <u>3</u> Exhibit exhibit c)(Normand, Sarah) (Entered: 03/13/2006)
03/14/2006	0	Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 3/14/2006. (db, ) Modified on 3/15/2006 (db, ). (Entered: 03/15/2006)
03/20/2006	<u>24</u>	REPLY MEMORANDUM OF LAW in Support re: <u>16</u> CROSS MOTION for Summary Judgment.. Document filed by Associated Press. (Schulz, David) (Entered: 03/20/2006)
04/12/2006		Minute Entry for proceedings held before Judge Jed S. Rakoff : Oral Argument held on 4/12/2006 re: <u>16</u> CROSS MOTION for Summary Judgment. filed by Associated Press,. (dle, ) (Entered: 04/14/2006)

05/09/2006	<u>25</u>	TRANSCRIPT of proceedings held on 4/12/2006 before Judge Jed S. Rakoff. Court Reporter: Sounthern District Court Reporters. (jmi, ) (Entered: 05/09/2006)
05/23/2006	<u>26</u>	TRANSCRIPT of proceedings held on 04/12/06 before Judge Jed S. Rakoff. (es, ) (Entered: 05/23/2006)
08/22/2006	<u>27</u>	SECOND MOTION for Summary Judgment. Document filed by United States Department of Defense. Responses due by 9/12/2006 Return Date set for 9/26/2006 11:30 AM. (Normand, Sarah) (Entered: 08/22/2006)
08/22/2006	<u>28</u>	DECLARATION of Charles D. Stimson in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> # <u>2</u> )(Normand, Sarah) (Entered: 08/22/2006)
08/22/2006	<u>29</u>	DECLARATION of Rear Admiral Harry B. Harris, Jr. in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> )(Normand, Sarah) (Entered: 08/22/2006)
08/22/2006	<u>30</u>	DECLARATION of Colonel David A. Smith in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> )(Normand, Sarah) (Entered: 08/22/2006)
08/22/2006	<u>31</u>	DECLARATION of Karen L. Hecker in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> )(Normand, Sarah) (Entered: 08/22/2006)
08/22/2006	<u>32</u>	FILING ERROR – WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY – MEMORANDUM OF LAW in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) Modified on 8/29/2006 (kkc, ). (Entered: 08/22/2006)
08/25/2006	<u>33</u>	SECOND MEMORANDUM OF LAW in Support re: <u>27</u> SECOND MOTION for Summary Judgment. <i>Corrected Memorandum of Law in Support of Defendant's Partial Motion For Summary Judgement with REspect to Withholdings In Sample Pre–arb Transfer/Release Documents</i> . Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 08/25/2006)
09/11/2006		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 9/11/2006. (cd, ) (Entered: 09/15/2006)
09/12/2006	<u>34</u>	MEMORANDUM OF LAW in Opposition re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by Associated Press. (Schulz, David) (Entered: 09/12/2006)
09/12/2006	<u>35</u>	AFFIDAVIT of David A. Schulz in Opposition re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by Associated Press. (Schulz, David) (Entered: 09/12/2006)
09/20/2006	<u>36</u>	OPINION AND ORDER:# 93707 This one instance aside, AP's motion for summary judgment is hereby granted, and DOD's counter–motion denied, in all other respects. Accordingly, all redactions from all materials here in issue, save the one involving the wife of detainee b(2), must be removed, and the unredacted documents must be furnished to AP within one week of the date hereof. (Signed by Judge Jed S. Rakoff on 9/20/06) (js, ) Modified on 9/21/2006 (pr, ). (Entered: 09/21/2006)
09/21/2006		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 9/21/2006. (jar, ) (Entered: 09/26/2006)
09/26/2006	<u>37</u>	REPLY MEMORANDUM OF LAW in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Normand, Sarah) (Entered: 09/26/2006)
09/26/2006	<u>38</u>	REPLY AFFIDAVIT of Karen L. Hecker in Support re: <u>27</u> SECOND MOTION for Summary Judgment.. Document filed by United States Department of Defense. (Attachments: # <u>1</u> )(Normand, Sarah) (Entered: 09/26/2006)
11/20/2006	<u>39</u>	NOTICE OF APPEAL from <u>36</u> Memorandum & Opinion. Document filed by United States Department of Defense. (nd, ) (Entered: 11/21/2006)

11/21/2006		Transmission of Notice of Appeal to the District Judge re: <u>39</u> Notice of Appeal. (nd, ) (Entered: 11/21/2006)
11/21/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>39</u> Notice of Appeal. (nd, ) (Entered: 11/21/2006)
11/21/2006		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>14</u> Declaration in Support of Motion filed by United States Department of Defense,, <u>22</u> Reply Affidavit in Support of Motion, filed by United States Department of Defense,, <u>23</u> Reply Affidavit in Support of Motion filed by United States Department of Defense,, <u>7</u> Certificate of Service Other filed by United States Department of Defense,, <u>1</u> Complaint filed by Associated Press,, <u>24</u> Reply Memorandum of Law in Support of Motion filed by Associated Press,, <u>32</u> Memorandum of Law in Support of Motion filed by United States Department of Defense,, <u>27</u> SECOND MOTION for Summary Judgment. filed by United States Department of Defense,, <u>12</u> FIRST MOTION for Summary Judgment. filed by United States Department of Defense,, <u>31</u> Declaration in Support of Motion filed by United States Department of Defense,, <u>6</u> Answer to Complaint filed by United States Department of Defense,, <u>2</u> Rule 7.1 Corporate Disclosure Statement filed by Associated Press,, <u>35</u> Affidavit in Opposition to Motion filed by Associated Press,, <u>34</u> Memorandum of Law in Opposition to Motion filed by Associated Press,, <u>16</u> CROSS MOTION for Summary Judgment. filed by Associated Press,, <u>5</u> Stipulation and Order, <u>4</u> Notice of Case Assignment/Reassignment, <u>17</u> Memorandum of Law in Support of Motion filed by Associated Press,, <u>37</u> Reply Memorandum of Law in Support of Motion filed by United States Department of Defense,, <u>18</u> Declaration in Support of Motion, filed by Associated Press,, <u>11</u> Declaration in Support filed by United States Department of Defense,, <u>8</u> Order,, <u>19</u> Rule 56.1 Statement filed by Associated Press,, <u>39</u> Notice of Appeal filed by United States Department of Defense,, <u>30</u> Declaration in Support of Motion filed by United States Department of Defense,, <u>10</u> Memorandum of Law in Support filed by United States Department of Defense,, <u>15</u> Memorandum of Law in Support of Motion filed by United States Department of Defense,, <u>9</u> Notice of Appearance filed by United States Department of Defense,, <u>28</u> Declaration in Support of Motion filed by United States Department of Defense,, <u>29</u> Declaration in Support of Motion filed by United States Department of Defense,, <u>20</u> Reply Memorandum of Law in Support of Motion filed by United States Department of Defense,, <u>13</u> Declaration in Support filed by United States Department of Defense,, <u>38</u> Reply Affidavit in Support of Motion filed by United States Department of Defense,, <u>33</u> Memorandum of Law in Support of Motion, filed by United States Department of Defense,, <u>36</u> Memorandum & Opinion,, <u>21</u> Response in Opposition to Motion filed by United States Department of Defense,, <u>3</u> Summons Returned Executed as to USA filed by Associated Press, were transmitted to the U.S. Court of Appeals. (nd, ) (Entered: 11/21/2006)
12/05/2006	<u>40</u>	STIPULATION AND ORDER by and between undersigned counsel for the parties, that the portion of the Order directing DOD to provide the Covered Information to AP is stayed pending resolution of DOD's appeal, on the conditions that (a) DOD will seek to delay its appeal in this case as part of the Government's consideration of appeal in AP v. DOD, 06 Civ. 1939(JSR)(AP III), and (b) DOD will seek an expedited briefing schedule in the Court of Appeals in connection with its appeal of the Order, such that DOD's opening brief would be due on January 10, 2007. (Signed by Judge Jed S. Rakoff on 12/5/2006) (jmi, ) (Entered: 12/06/2006)
02/07/2007	<u>41</u>	NOTICE OF CHANGE OF ADDRESS by David A.. Schulz on behalf of Associated Press. New Address: Levine Sullivan Koch &Schulz, L.L.P., 321 West 44th Street, Suite 510, New York, New York, USA 10036, 212-850-6100. (Schulz, David) (Entered: 02/07/2007)
08/10/2007	<u>42</u>	MEMORANDUM AND ORDER: Accordingly, the Court hereby grants DOD's motion for partial summary judgment and directs that the redactions here approved be applied pro tanto to such other similar pre-ARB documents as are subsequently supplied. Counsel are directed to jointly call chambers, by no later than August 16, 2007 at 5 p.m., to schedule further proceedings herein. So Ordered. (Signed by Judge Jed S. Rakoff on 8/9/07) (js) (Entered: 08/13/2007)



08/22/2007	<u>43</u>	ENDORSED LETTER addressed to Judge Jed S. Rakoff from David A. Schulz dated 8/20/07 re: Because AP currently would be obligated to file its fee requests in both AP I and AP II within 14 days after entry of judgment in this action, the parties propose to prepare a stipulated order that will permit any fee requests to be filed within thirty (30) days after final disposition of the pending appeal. ENDORSEMENT: The stipulation is approved, and no further document is required unless the parties so desire. Based on this letter (which the Clerk is directed to docket), the Clerk is directed to enter final judgment closing this case on the basis of the Courts prior rulings, without prejudice to the Courts future consideration of attorneys fees. (Signed by Judge Jed S. Rakoff on 8/21/07) (tro) (Entered: 08/23/2007)
08/22/2007		Transmission to Judgments and Orders Clerk. Transmitted re: <u>43</u> Endorsed Letter, to the Judgments and Orders Clerk. (tro) (Entered: 08/23/2007)
08/23/2007	<u>44</u>	CLERK'S JUDGMENT in favor of Associated Press against United States Department of Defense. For the reasons stated in the Court's Memo Endorsed Order, dtd 8/21/2007, and the Court's Order, dtd 8/9/2007, the case is closed on the basis of the Court's prior rulings, w/o prejudice to the Court's future consideration of attys fees. (Signed by J. Michael McMahon, Clerk on 8/23/07) (jf) Modified on 8/24/2007 (lan). (Entered: 08/23/2007)
02/27/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/27/2009. (mro) (Entered: 03/03/2009)
03/04/2009	<u>45</u>	MANDATE of USCA (Certified Copy) as to <u>39</u> Notice of Appeal filed by United States Department of Defense USCA Case Number 06-5352-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is REVERSED in accordance with the opinion of this court. Catherine O'Hagan Wolfe, Clerk USCA. Issued As Mandate: 2/27/2009. (nd) (Entered: 03/04/2009)
03/04/2009		Transmission of USCA Mandate/Order to the District Judge re: <u>45</u> USCA Mandate,. (nd) (Entered: 03/04/2009)
03/06/2009		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 3/6/2009. (mro) (Entered: 03/09/2009)
04/02/2009	<u>46</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: (1) The United States shall pay to the "Associated Press" the sum of \$27,000.00 in attorneys' fees and litigation costs, pursuant to 5 USC § 552(a)(4)(E), which sum AP and its counsel, Levine Sullivan Koch &Schulz, LLP, agree to accept as full payment of any attorneys' fees and costs AP has incurred or will incur in this action for services performed up to the date of this Stipulation and Order. (2) Nothing in this Stipulation and Order shall constitute an admission on the part of DOD and/or the United States that DOD's initial decision not to release the Identifying Information lacked a reasonable basis. (3) This action is hereby dismissed with prejudice; provided, however, that the Court shall retain jurisdiction over any issues that may arise relating to this Stipulation and Order. (4) The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect. (Signed by Judge Jed S. Rakoff on 4/1/09) (db) Modified on 4/17/2009 (db). (Entered: 04/02/2009)